

REMARKS

The Applicants request reconsideration of the rejection.

Claims 1, 3-5 and 7-9 remain pending.

Claims 1, 3-5 and 7-9 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. In particular, the Examiner states that the rejected claim language including the constitution of reagent disks rotating independently with each other is not enabled in the case of the plural amount of dispensing probes or a pair being arranged. In reply, the Applicants have amended claim 1 to clarify the expression of the invention sought to be patented. The Applicants urge the Examiner to review the new claim language in conjunction with the embodiments shown in Figs. 1-2, for example, which show plural reagent dispensing probes, including probes 20 and 21 arranged to move along rail 25 and be arranged at reagent disks 41 and 42, respectively, and reagent dispensing probes 22 and 23 that move along rail 26 (and perpendicular thereto), being also respectively arranged at reagent disks 41 and 42. As noted on page 13 of the specification, the two reagent disks can rotate independently with each other. Further, as noted on page 6, lines 2-3, plural reagent disks can be arranged concentrically; the specification does not suggest that the independent rotation of the reagent disks must be deleted from a concentric arrangement.

Claims 1, 3-5 and 7-9 also stand rejected under 35 U.S.C. §112, second paragraph, as set forth on page 3 of the Office Action. The Applicants believe that the above amendments to the claims clarify the expression of the invention in such a way that the rejection is moot.

Claims 1, 3-5 and 8-9 stand rejected under 35 U.S.C. §102(b) as being anticipated by, or in the alternative under 35 U.S.C. §103(a) as being obvious over, Ohishi et al., U.S. Patent No. 6,019,945 (Ohishi). The Applicants traverse as follows.

According to the present invention as now claimed, only one of the plurality of reagent dispensing probes arranged at each reagent disk sucks a reagent from a reagent container of said each reagent disk within a same cycle of predetermined continuous cycles through which the controller controls movement of the reaction disks, the reagent disks, the plurality of reagent dispensing probes, and the now-claimed moving mechanism for moving the reagent dispensing probes between the reagent disks and the reaction disk. That is, only one of the reagent dispensing probes for a reagent disk sucks a reagent from a reagent container thereon within the same cycle. Therefore, two probes do not simultaneously access the same reagent disk in the same cycle, so that each cycle time can be shortened to increase the number of sample analyzable per unit time even when plural reagent disks and plural reagent dispensing probes are used in the automatic analyzer.

In contrast, if two or more reagent dispensing probes were to be allowed to access the same reagent disk in the same cycle time, the cycle time would be required to be longer than the cycle time achieved by the present invention, as now claimed in claim 1.

Ohishi is an example of this latter case. Ohishi shows a controlled analysis unit 3B including a plurality of reagent disks 26a and 26b, and reagent dispensing probes 8a and 8b that suck reagents from reagent containers and inject the reagents into one of the reaction cells 46b. Further, Ohishi appears to show that the reagent

dispensing probes inject the reagents into the reaction cells at the same position of the reaction disk.

However, Ohishi fails to disclose the now-claimed moving mechanism, or the controller that controls the reagent dispensing probes, wherein only one of the reagent dispensing probes arranged at each reagent disk sucks a reagent from a reagent container of said each reagent disk within a same cycle. Therefore, Ohishi cannot achieve the shortened cycle time of the invention as now claimed.

Claim 6 (sic, claim 7) stands rejected under 35 U.S.C. §103(a) as being unpatentable Ohishi in view of Minekane, U.S. Patent No. 4,808,380 (Minekane). Minekane is specifically cited as disclosing a pair of coaxial reagent rings 24 and 26 placed peripherally within a ring of cuvette arrays. However, Minekane also fails to disclose the claimed moving mechanism and controller that controls the reagent dispensing probes, wherein only one reagent dispensing probe on each reagent disk sucks a reagent from a reagent container of the reagent disk within the same cycle. Therefore, even in combination with Ohishi, the structure taught by Minekane fails to render obvious the invention as now claimed.

In view of the foregoing amendments and remarks, the Applicants request reconsideration of the rejection and allowance of the claims.

To the extent necessary, the Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to

the deposit account of Mattingly, Stanger, Malur & Brundidge, P.C., Deposit Account No. 50-1417 (referencing attorney docket no. KAS-187).

Respectfully submitted,

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